

## **REMARKS**

### **Background**

Claims 1-23 are pending.

Claims 1-7 and 7-17 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over “Real Liffe or Virtual Reality” by Ivy Schmerken, Wall Street & Technology, Vol. 15 (1), p. 70 (New York Jan. 1997) (“Schmerken”) in view of “Virtual Trading is Virtually a Reality” by Dean Tomasula, Wall Street & Technology, Vol. 13(10), p. 44 (New York Oct. 1995) (“Tomasula”). Claims 8-10 and 18-22 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Schmerken in view of Tomasula, and further in view of U.S. Patent No. 5,675,746 to Marshall (“Marshall”).

Applicants appealed these rejections to the Board of Patent Appeals and Interferences (“BPAI”). The BPAI affirmed these rejections in part. In particular, the BPAI overturned the rejection of claims 1-14 and 23, but upheld the Examiner’s rejection of claims 15-22.

### **Summary of Amendments**

Applicants have amended independent claims 15 to clarify the claimed subject matter. In particular, Applicants have amended claim 15 to recite a system for displaying data representing the operation of a trading having a trading area including a plurality of trading posts whereat selected securities are traded, the system comprising, among other things, a “visual display of trading exchange activity including systems activity and trading activity.”

Applicants have also amended independent claim 11 to clarify the claimed subject matter.

Comments

The BPAI has overturned the rejection of claims 1-14 and 23. Applicants respectfully request allowance of claims 1-14 and 23 for the reasons set forth in previous communications between Applicants and the PTO, including the decision of the BPAI.

Applicants have amended independent claim 15 to incorporate the subject matter of independent claim 5. In particular, claim 15 now recites a system comprising, among other things, “a visual display of trading exchange activity including systems activity and trading activity.” Applicants therefore respectfully submit that claim 15 is allowable at least for the same reasons as claim 5. Dependent claims 16-22 depend from independent claim 15, and should be allowed at least for depending from an allowable independent claim.

Applicants therefore respectfully request that claims 1-23 be allowed.

Conclusion

This application is now in condition for allowance. Reconsideration and prompt allowance are respectfully requested. If there are any remaining issues to be resolved, applicant respectfully requests the Examiner to kindly contact the undersigned attorney by telephone for an interview.

Applicants do not believe that any fees are due in connection with the submission of the present Amendment. If any fees are due, Applicants expressly authorize the Commissioner to charge any such fees and/or credit any overpayments associated with this submission to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 070388.0620.

Respectfully submitted,  
BAKER BOTTS L.L.P.



Brian Boerman  
PTO Reg. No. 66,678

Paul A. Ragusa  
PTO Reg. No. 38,587

Baker Botts L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2614  
*Attorneys for Applicants*